

**FILED**

**AUG 28 2008**

**PATRICK E. DUFFY, CLERK**

**By** \_\_\_\_\_  
**DEPUTY CLERK, MISSOULA**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,	)	CR 08-44-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
MARTIN JOEL ARAGON,	)	
	)	
Defendant.	)	
_____	)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on August 6, 2008. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

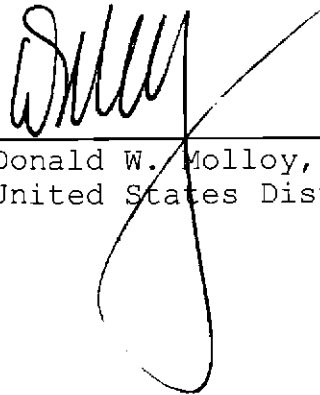
Judge Lynch recommended this Court accept Martin Joel

Aragon's guilty plea after Aragon appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of Illegal Re-Entry of Deported Alien, in violation of 8 U.S.C. § 1326(a), as set forth in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #17) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt #10) is GRANTED.

DATED this 28<sup>th</sup> day of August, 2008.



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Donald W. Molloy, District Judge  
United States District Court